

The Honorable S. Kate Vaughan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

TSR LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC,

Defendant.

Case No.: 2:21-cv-01705-SKV

**DECLARATION OF DAYNA J.
CHRISTIAN IN SUPPORT OF
COUNTERCLAIM DEFENDANTS’
RESPONSE TO DEFENDANT AND
COUNTERCLAIM PLAINTIFF’S
MOTION TO ENFORCE THE
PROTECTIVE ORDER GOVERNING
CONDUCT**

WIZARDS OF THE COAST LLC,

Counterclaim Plaintiff,

v.

TSR LLC; JUSTIN LANASA; and DUNGEON
HOBBY SHOP MUSEUM LLC,

Counterclaim Defendants.

I, Dayna J. Christian, declare as follows:

1. I am a member of the law firm of Immix Law Group PC and counsel for Plaintiff and Counterclaim Defendant TSR LLC (“Plaintiff”) and Counterclaim Defendants Justin LaNasa (“Mr. LaNasa”) and Dungeon Hobby Shop Museum LLC (the “Museum,” and together with Mr. LaNasa the “Counterclaim Defendants”) in the above-captioned matter. I am familiar with the facts and circumstances of this case.

2. I submit this declaration in support of Counterclaim Defendants' Response to Motion to Enforce the Protective Order Governing Conduct (the "Response"). In this declaration, I will refer to Defendant and Counterclaim Plaintiff Wizards of the Coast LLC as "Wizards." I will refer to Wizards' Motion to Enforce the Protective Order Governing Conduct as the "Motion."

3. Attached hereto as **Exhibit A** is a true and correct copy of Wizards' email transmission requesting a hearing on alleged witness harassment of third-party, Don Semora ("Mr. Semora"). The email transmission also included six email attachments provided by Wizards and purporting to be evidence of Mr. Semora's harassment and tampering with his right to participate in the case as a witness. Those six attachments were previously provided to the Court but can be provided again upon request.

4. I participated in the hearing on October 19, 2022 called by Judge S. Kate Vaughan ("Judge Vaughan") to discuss the alleged harassment and tampering. I shared with Judge Vaughan a multitude of online posts made by Mr. Semora that threatened, intimidated, insulted, and harassed Mr. LaNasa and his wife. In addition, I pointed out in argument that Wizards' counsel had falsely accused Mr. LaNasa of authoring content that he did not author and that Wizards could not demonstrate was in any way tied to Mr. LaNasa.

5. At the close of the hearing, I recall that Judge Vaughan admonished all parties, including third parties, from such behavior. The Court reminded all that civil litigation is intended to resolve disputes in a civil way and that playing out litigation on Facebook is not appropriate. Further, she instructed all to be thoughtful in the public arena and to be sensible moving forward. The Court directed the attorneys to collaborate on a protective order that would apply equally to all and to set out prohibited conduct that is directly linked to the case and expressed her concern over conduct that negatively impacts the pending case. The Court did not make a finding of misconduct by TSR as Wizards had alleged.

6. On November 25, 2023 I conducted a Google search for the phrase "TSR LLC bankruptcy filing." Plaintiff filed for bankruptcy on June 8, 2023. That same day, the website

inforuptcy.com posted the filing by Plaintiff including the court location and case number (<https://www.inforuptcy.com/browse-filings/north-carolina-eastern-bankruptcy-court/5:23-bk-01577/bankruptcy-case-tsr-llc>). An article titled “D&D lawsuit: The new TSR declares bankruptcy, pausing court case” was posted online on June 13, 2023 on polygon.com (<https://www.polygon.com/23759783/dnd-dungeons-dragons-lawsuit-tsr-bankrupt-chapter-7>); six members of the public commented on the article. Another bankruptcy alert was posted on June 14, 2023 on dicebreaker.com titled “‘NuTSR’ files for bankruptcy, freezing legal disputes with Dungeons & Dragons publisher” (<https://www.dicebreaker.com/topics/lawsuit/news/wizards-of-the-coast-tsr-lawsuit-paused-chapter-7-bankruptcy>); one member of the public commented on the article. Additional new outlets online posted articles the same day about the filing including SCIFI.radio (https://scifi.radio/2023/06/14/tsr-files-for-chapter-7-bankruptcy-halting-wotc-lawsuits/#google_vignette) and En World (<https://www.enworld.org/threads/nutsr-declares-bankruptcy.698239/>) with 290 replies posted by members of the public. On June 15, 2023, Law360 posted on article titled “D&D Publisher's IP Dispute Paused Amid Bankruptcy Filing” (<https://www.law360.com/articles/1689619/d-d-publisher-s-ip-dispute-paused-amid-bankruptcy-filing>). Many more online articles on this topic have been posted since June 15, 2023.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing declaration is true and correct to the best of my knowledge and belief.

DATED November 27, 2023, at Clark County, Washington.



Dayna J. Christian

From: Stefanie Prather <Stefanie_Prather@wawd.uscourts.gov>
Sent: Tuesday, October 18, 2022 3:09 PM
To: Rainwater, Lauren; Dayna Christian
Cc: Russell Nugent; Nicole McMillan; Dunwoody, Stuart; Almeida, MaryAnn; McCarty, Rose
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

[This message is from an external sender]

Received. Thank you.

Stefanie Prather

From: Rainwater, Lauren <LaurenRainwater@dwt.com>
Sent: Tuesday, October 18, 2022 2:49 PM
To: Dayna Christian <Dayna.Christian@immixlaw.com>; Stefanie Prather <Stefanie_Prather@wawd.uscourts.gov>
Cc: Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

CAUTION - EXTERNAL:

Ms. Prather,

Please find attached six exhibits Wizards of the Coast intends to reference during tomorrow's conference.

Thank you,

Lauren

Lauren Rainwater | Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300 | Seattle, WA 98104-1610
Tel: (206) 757-8119 | Fax: (206) 757-7119
Email: laurenrainwater@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | [Seattle](#) | Washington, D.C.

From: Dayna Christian <Dayna.Christian@immixlaw.com>
Sent: Monday, October 17, 2022 4:14 PM
To: Stefanie Prather <Stefanie_Prather@wawd.uscourts.gov>

Cc: Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Rainwater, Lauren <LaurenRainwater@dwt.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

[EXTERNAL]

Thank you – I'll hold the time on my calendar.

From: Stefanie Prather <Stefanie_Prather@wawd.uscourts.gov>
Sent: Monday, October 17, 2022 4:11 PM
To: Dayna Christian <Dayna.Christian@immixlaw.com>
Cc: Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Rainwater, Lauren <LaurenRainwater@dwt.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

[This message is from an external sender]

Thank you! I have you on the calendar and will get a Zoom invite out to parties shortly.

Stefanie Prather

From: Dayna Christian <Dayna.Christian@immixlaw.com>
Sent: Monday, October 17, 2022 3:58 PM
To: Stefanie Prather <Stefanie_Prather@wawd.uscourts.gov>
Cc: Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Rainwater, Lauren <LaurenRainwater@dwt.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

CAUTION - EXTERNAL:

Ms. Prather,

Counsel for Plaintiff and the Counterclaim Defendants is available as well.

Thank you.

Dayna J. Christian | Attorney
[Immix Law Group PC](http://ImmixLawGroupPC.com)
600 NW Naito Parkway | Suite G | Portland OR | 97209
Portland (503) 802.5533 | F (503) 802.5351 | D (503) 802.5537
dayna.christian@immixlaw.com
Immix Law Group is proud to be a [Certified B Corporation](#).

From: Rainwater, Lauren <LaurenRainwater@dwt.com>
Sent: Monday, October 17, 2022 3:52 PM
To: Stefanie Prather <Stefanie.Prather@wawd.uscourts.gov>
Cc: Dayna Christian <Dayna.Christian@immixlaw.com>; Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

[This message is from an external sender]

Thank you, Ms. Prather. Counsel for Wizards of the Coast is available at that time on Wednesday.

Lauren Rainwater | Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300 | Seattle, WA 98104-1610
Tel: (206) 757-8119 | Fax: (206) 757-7119
Email: laurenrainwater@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | [Seattle](#) | Washington, D.C.

From: Stefanie Prather <Stefanie.Prather@wawd.uscourts.gov>
Sent: Monday, October 17, 2022 3:46 PM
To: Rainwater, Lauren <LaurenRainwater@dwt.com>
Cc: Dayna Christian <Dayna.Christian@immixlaw.com>; Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: RE: Request for Telephonic Motion in Case No. 21-cv-01705

[EXTERNAL]

Good afternoon,

Judge Vaughan would like to set this hearing via Zoom. Are parties available on Wednesday at 9:45 a.m?

Thank you,

Stefanie Prather

From: Rainwater, Lauren <LaurenRainwater@dwt.com>
Sent: Monday, October 17, 2022 12:47 PM
To: Stefanie Prather <Stefanie.Prather@wawd.uscourts.gov>
Cc: Dayna Christian <Dayna.Christian@immixlaw.com>; Russell Nugent <russell@kinglawonline.com>; Nicole McMillan <Nicole.McMillan@immixlaw.com>; Dunwoody, Stuart <stuardunwoody@dwt.com>; Almeida, MaryAnn <MaryAnnAlmeida@dwt.com>; McCarty, Rose <RoseMcCarty@dwt.com>
Subject: Request for Telephonic Motion in Case No. 21-cv-01705

CAUTION - EXTERNAL:

Ms. Prather,

Pursuant to Judge Vaughan's chambers procedures, I write to request a telephonic motion with the Court in *TSR LLC v. Wizards of the Coast LLC*, Case No. 21-cv-01705. All counsel of record for the Counterclaim Defendants are copied on this email.

In August, Wizards of the Coast subpoenaed two individuals, Don Semora and Michael Hovermale, who previously worked with Counterclaim Defendants. Semora and Hovermale have complied with the subpoenas. However, since shortly after Semora's and Hovermale's receipt of the subpoenas and intent to comply were disclosed, the Counterclaim Defendants repeatedly have harassed them online. The Counterclaim Defendants posted on social media criticizing the subpoena recipients and exposing personal information about them. Someone – believed to be Mr. LaNasa – also made a website about Semora publishing very personal information, including banking details and a background check.

I raised this issue with counsel in early September, and the posts were removed. But the behavior has continued. Last week, we raised the issue with counsel again, and other posts and the website were removed. Still, an additional post appeared over the weekend, and the website (which is live only intermittently) reappeared. Because our efforts to address this behavior through counsel have failed to remedy the problem and due to the time-sensitive nature of this request, we ask that the Court schedule a telephonic motion for an order directing the cessation of witness harassment. We will provide the Court and Counterclaim Defendants' counsel exhibits demonstrating the posts in advance.

Thank you,

Lauren Rainwater

Lauren Rainwater | Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300 | Seattle, WA 98104-1610
Tel: (206) 757-8119 | Fax: (206) 757-7119
Email: laurenrainwater@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | **Seattle** | Washington, D.C.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2023, I caused to be served a true copy of the foregoing **DECLARATION OF DAYNA J. CHRISTIAN IN SUPPORT OF COUNTERCLAIM DEFENDANTS' RESPONSE TO DEFENDANT AND COUNTERCLAIM PLAINTIFF'S MOTION TO ENFORCE THE PROTECTIVE ORDER GOVERNING CONDUCT** on the party or attorneys listed below, by email:

Lauren B. Rainwater
MaryAnn T. Almeida
Tyler Bourke
Eric Franz

DAVIS WRIGHT TREMAINE LLP
920 Fifth Ave., Suite 3300
Seattle, WA 98104
laurenrainwater@dwt.com
maryannalmeida@dwt.com
ericfranz@dwt.com
tylerbourke@dwt.com
Phone: (206) 622-3150

*Attorneys for Defendant/Counterclaim
Plaintiff Wizards of the Coast LLC*

Russell D. Nugent
THE HUMPHRIES LAW FIRM P.C.
1904 Eastwood Rd, Ste 310A
Wilmington, NC 28403
russell@kinglawonline.com
Phone: 910-899-0236

*Accepted Pro Hac Vice for Plaintiff TSR
LLC, and Counterclaim Defendants TSR
LLC, Justin LaNasa, and Dungeon Hobby
Shop Museum LLC*



Dayna J. Christian, WSB No. 32459
IMMIX LAW GROUP PC
400 Winslow Way E., Suite 210
Bainbridge Island, WA 98110
Dayna.Christian@immixlaw.com
Phone: (503) 802-5533

Attorneys for Plaintiff and Counterclaim Defendant
TSR LLC and Counterclaim Defendants Justin
LaNasa and Dungeon Hobby Shop Museum LLC